

## **§ 231-10 Definitions.**

As used in this article:

### **FLEA MARKETS AND SHOWS EXHIBITING WARES FOR SALE**

A group of at least five vendors operating in one structure in accordance with the requirements of the Zoning Ordinance  
Editor's Note: See Ch. [190](#), Land Use, Part 2.  
and other pertinent City requirements.

### **HAWKER or PEDDLER**

Any person, either principal, agent or employee, who goes from town to town or from place to place in the same town, or from a temporary place of business, selling or bartering, or carrying for sale or barter or exposing therefore any goods, wares, merchandise, or services.

### **ITINERANT MAGAZINE SALESMAN**

Any person, either principal, agent or employee, who engages in a temporary or transient business in this City of traveling from house to house soliciting orders for magazine subscriptions or renewals.

### **ITINERANT PHOTOGRAPHER**

Any person, either principal, agent or employee, who engages in a temporary or transient business in this City, whether such person conducts their business by traveling from house to house taking pictures in a house, or operating from a hotel room, store or other place of business, or otherwise, and who performs any of the following acts of the photography business: solicits orders, takes pictures, assists in the taking of pictures, shows proofs, delivers pictures, or makes collections for pictures sold.

### **ITINERANT VENDOR**

Any person, either principal, agent or employee, who engages in a temporary or transient business in this state, either in one locality or traveling from place to place, selling goods, wares and merchandise from stock or by sample for future delivery, and who, for the purpose of carrying on such business, hires or occupies any building or structure for the exhibition and sale of such goods, wares and merchandise or samples.

### **STREET FAIR**

A special event conducted within a limited, defined geographic area for a period of time not to exceed four days.

### **VENDOR**

Flea market and shows exhibiting wares for sale, hawker, peddler, itinerant magazine salesman, itinerant photographer, itinerant vendor or street fair.

**§ 231-11 Vendor's license.**

A.

No person shall act as a vendor within the City of Nashua unless licensed to do so.

B.

Each applicant for a vendor's license shall apply in writing to the City Clerk upon a form to be determined by the City Clerk. The application shall include:

(1)

The name, home and business address of the applicant, and the name and the address of the owner, if other than the applicant, of the business and of any stand or motor vehicle to be used in the vending;

(2)

A description of the source and type of food, beverage, merchandise, or service to be sold and in the case of products of farm or orchard, whether produced or grown by the applicant;

(a)

A separate food service license (in addition to the vendor's license) must be obtained from the Environmental Health Department for the sale of various food items.

(3)

A description or photograph of any stand or motor vehicle to be used for the vending, including the license and registration number of any motor vehicle used for the vending; and

(4)

A certificate of insurance that the applicant has been issued an insurance policy by an insurance company licensed to do business in the state, protecting the licensee and the City from all claims for damages to property and bodily injury, including death which may arise from operations under or in connection with the license. Such policy shall include coverage that the

Insurance Department deems necessary. Exceptions to certificates of insurance may be considered on a case-by-case basis by the Insurance Department to modify guidelines to meet the exposures presented in a specific activity. Factors to consider in determining the required insurance coverage include but are not limited to the use of vehicles, the potential audience, and the history of the applicant. The required insurance coverage may include:

(a)

The City is named as additional insured for all liability arising out of the operation by or on behalf of the named insured, and this policy protects the additional insured, its officers, agents and employees against liability for bodily injuries, deaths, or property damage or destruction arising in any respect, directly or indirectly, in the performance of the license;

(b)

Inclusion of more than one insured shall not operate to impair the rights of one insured against another insured, and the coverages afforded shall apply as though separate policies had been issued to each insured;

(c)

The insurance provided herein is primary, and no insurance held or owned by the City shall be called upon to contribute to a loss;

(d)

The coverage provided by this policy shall not be reduced or cancelled without 30 days written notice given to the City; and

(e)

The licensee shall submit certificates of insurance countersigned by a state licensed agent prior to the effective date of the license.

C.

All vendors and licensees required by law to have City health licenses, state licenses or licenses of any other type, are responsible for obtaining said licenses and shall be considered in violation of this article in the event that they are found to be without said licenses. All health licenses shall be posted in a conspicuous place.

D.

As a condition of licensure, and at any time during the license period, an applicant or licensee may be subject to additional restrictions or conditions ordered by the Building, Health, Police or Fire Departments as may be warranted by any circumstances pertaining to a specific vendor or vending site or to prevent any nuisance related to or caused by the licensed activity. A "nuisance," in addition to its common law meaning, is anything that endangers life, health or safety, gives offense to senses, violates common standards of decency or obstructs the reasonable use, enjoyment, or habitation of any property.

E.

The license may limit the amount of space to be occupied by the vendor.

F.

Any person who employs others to sell, solicit or take orders under a permit issued under this article, as well as the employer of a group of persons selling, soliciting or taking orders without a permit, shall be held responsible and liable for the acts of his or her employees and shall be deemed in violation of this article in the same manner as though he or she were the actual employee in question.

G.

The vendor's license fee shall be \$10 for each day less than one week, or \$25 for one week, or \$100 for the year.

H.

All annual licenses issued under this section shall expire December 31 of each year

**§ 231-12 Additional regulations.**

A.

All licenses shall be displayed in a conspicuous place at all times during the operation of the vending business.

B.

Ice cream and/or canteen truck vendors shall be permitted in the residential zones of the City in accordance with any ordinances of the City of Nashua.

C.

Vendors at special events licensed under Chapter [88](#), Article [III](#) (Theaters and Shows) or at street fairs, shall comply with all applicable provisions of this article and rules and regulations issued pursuant to it and pay all fees as required by the person coordinating the special event.

D.

Support equipment and accessories shall be self-contained within the retail stand when the vendor is not present. Support equipment and accessories shall not be placed so as to impede pedestrian or vehicular traffic. In no instance shall the stand, support equipment and accessories extend beyond an area of nine feet by 20 feet or beyond the space defined by the license, assigned by a street fair licensee, or as established within the Downtown District.

**§ 231-13 Prohibited acts.**

No vendor shall:

A.

Directly or indirectly, cause or permit the public streets, sidewalks or places to be littered with papers, wrappings or other debris or refuse where the littering results from the conduct of his or her business;

B.

Use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public;

C.

Operate in any metered parking area or no-parking zone, unless otherwise provided;

D.

Operate in any area where his or her operation will be deemed by the Police Chief or Fire Chief, or his or her designee, to endanger or inconvenience the general public, including but not limited to sidewalk and roadside areas;

E.

Operate within 40 feet of driveways, intersections, bus stops or crosswalks;

F.

Set up a parking lot selling operation without the written permission of the owner of the property on which the operation is located, and such written permission shall be available for display upon request at all times;

G.

Operate in a manner that obstructs or prevents the free and convenient use of any street or sidewalk by pedestrian or vehicular traffic;

H.

Sell, or offer to solicit for sale, any goods or merchandise in any park, playground, pool area, or other City recreational facility, without a special permit, nor give any entertainment or exhibition except under the direction, or by permission, of the Superintendent, as provided for under Article I of Chapter 215, Parks and Recreation Areas;

I.

Sell, or offer to solicit for sale, any goods or merchandise, nor give any entertainment or exhibition in any land or water areas under the jurisdiction of the Conservation Commission of the City, as provided for under Article I of Chapter 12;

J.

Place or expose for sale or advertisement, merchandise of any description or other article on any sidewalk of the City except in conjunction with a properly licensed street fair or when such activity occurs as an incidental part of the retail sales activity of a merchant regularly conducting business from a permanent building where such sales are conducted on the premises of the building and in close proximity to said building, and the

person engaged in such sidewalk displays or sales has obtained a license for a sidewalk obstruction as required under § [285-9](#);

[K.](#)

Enter any house, building or premises where there is posted on the front of the house, building or premises a written notice stating that vendors are not desired, unless the vendor has received the prior consent of the occupant; or

[L.](#)

Display any flashing or changing (electronic) sign.